

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31547 of 2022

Arising Out of PS. Case No.-189 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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Munna Kumar Singh Son of Suresh Singh R/O Village- Kukura, P.S.-
Sikarpur, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Nitu Kumari

For the Opposite Party/s : Mr.Harendra Prasad

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-08-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner seeks bail in connection with

Muzaffarpur Excise Case No. 189/2022 (P.R. No. 18/2022)

registered for the offences punishable under Sections 30(a) and

32(3) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of

total 693.890 liters foreign liquor from the Pick-Up van in

question. The petitioner was apprehended on the spot and

another co-accused, Md.Toofan fled away from the place of

occurrence.



Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner and was unaware about the consignment loaded on the van. The petitioner was Khalasi (co-pilot) of the said van in question and was no concern with the seized liquor. The petitioner is languishing in custody since 24.02.2022 and bears no criminal antecedent. Prosecution report has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, prosecution report has already been submitted and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.-II, Muzaffarpur in connection with Muzaffarpur Excise Case No. 189/2022 (P.R. No. 18/2022), subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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